

(2) PREVIOUSLY HAS HAD A LICENSE OR EXEMPTION CERTIFICATE CANCELLED FOR CAUSE; OR

(3) IN THE JUDGMENT OF THE COMPTROLLER, HAS NOT FILED AN APPLICATION IN GOOD FAITH.

REVISOR'S NOTE: Item (1) of this section is standard language added to conform to almost all of the occupational licensing acts that the General Assembly has enacted recently. See, e.g., the comparable sections on disciplinary actions in the various titles of the Health Occupations Article. The General Assembly expressly decided that this language was to be included in each of those sections as a fundamental ground for disciplining a licensee. In light of this addition, the former reference to "a subterfuge for the real person in interest whose license ... theretofore have been cancelled for cause" is deleted.

Items (2) and (3) of this section are new language derived without substantive change from former Art. 56, § 140(i), except as it related to notice and a hearing.

Defined terms: "Comptroller" § 1-101  
"License" § 9-301

9-329. HEARINGS ON DENIALS.

(A) RIGHT TO HEARING.

EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE COMPTROLLER TAKES ANY ACTION UNDER § 9-328 OF THIS SUBTITLE, THE COMPTROLLER SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE COMPTROLLER.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

(1) THE COMPTROLLER SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) THE NOTICE SHALL BE SENT SO THAT THE APPLICANT HAS AT LEAST 5 DAYS' NOTICE BEFORE THE HEARING.

(C) OATHS.

THE COMPTROLLER MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.

REVISOR'S NOTE: Subsections (a) and (b)(2) of this section are new language derived without substantive change from the sixth clause of former Art. 56, § 140(i).